

SPECIAL USE PERMIT ANALYSIS

PETITION: SUP 11-02

OWNER: Daniel P. Roberts

APPLICANT: Thai Xiong

PROPERTY LOCATION: 1135 Hwy 70 SW

PIN: 2792-12-95-9998

ACREAGE: 0.6 acres

WARD: The subject property is located in Ward 4.

REQUESTED ACTION: The applicant requests a Special Use Permit for the establishment of a drinking establishment.

DEVELOPMENT POTENTIAL: The property is currently zoned C-2 General Business, and can be utilized as for commercial, office and service type land-uses. Properties zoned C-2 General Business may be developed at a maximum floor area ratio (FAR) of 0.85, which equates into approximately 22,215 square feet of floor area.

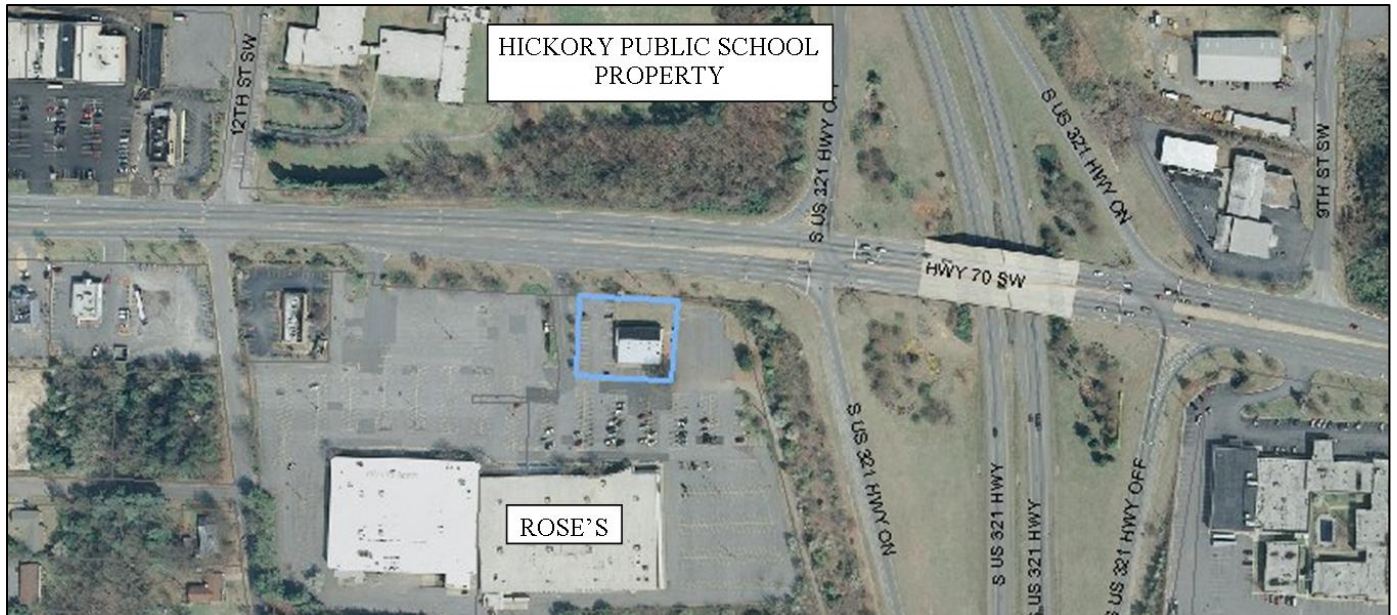
The proposal put forth by the applicant is to utilize the existing ~5,000 square foot commercial structure as the location of a new facility, which meets the city's definition for a drinking establishment.

LAND USE AND ZONING:

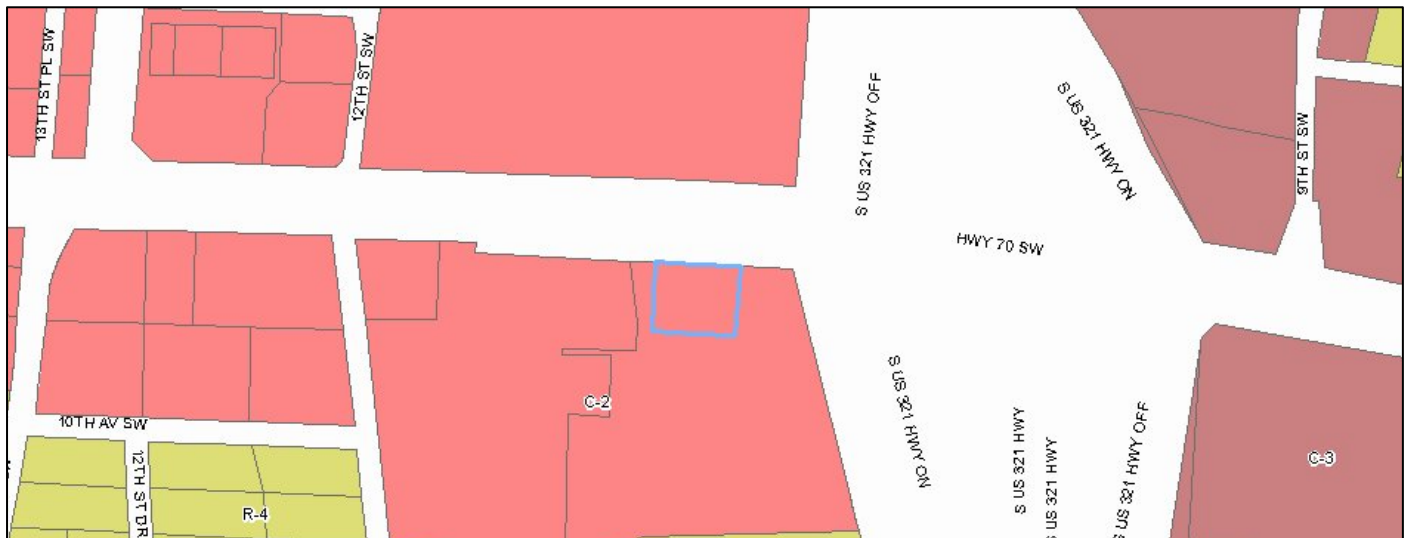
- **Subject Property:** The property is currently zoned C-2 and occupied by a vacant ~5,000 sq. ft. commercial structure;
- **North:** The properties to the north across Hwy 70 SW are currently zoned C-2 General Business, and occupied by commercial structures and offices of the Hickory Public School System;
- **South:** The property to the south is currently zoned C-2 General Business and is currently occupied by a retail use (Rose's);
- **East:** The property to the east across Hwy 321 is currently zoned C-3 Regional Commercial, and is currently occupied by a hotel and office buildings; and

- **West:** The properties to the west are currently zoned C-2 General Business, and are currently occupied by vacant commercial structures.

Map 1. Land Use of Surrounding Area (Subject Property Outlined in Blue)



Map 2. Zoning of Surrounding Area (Subject Property Outlined in Blue)



ACCESS: Access to and from the property is from US HWY 70 SW.

SEWER AND WATER: City of Hickory water and sewer are available to serve this property.

SPECIAL USE PERMIT REVIEW CRITERIA:

Special Use Permit applications may be approved by the Planning Commission only if they find that all the following criteria have been met:

1. The proposed use is consistent with the *Hickory by Choice 2030 Comprehensive Plan and stated Purpose and Intent of the Land Development Code*;

The HBC 2030 Comprehensive Plan classifies the subject property as Revitalization. The description and intent of such areas, as found within HBC 2030, is as follows:

- *The Revitalization designation includes those areas that have a diverse mix of light industrial, commercial and residential uses and are typically located along rail corridors or busy, disinvested arterials, such as US 70 west of South Center Street, Old Lenoir Road, Springs Road near Shuford Mills, Highland Avenue, and North US 321.*
- *The intent of this designation is to promote opportunities for redevelopment and expansion by applying flexible standards and targeted incentive programs. Its focus on the revitalization of commercial and freight corridors, will help those areas most in need of economic development*

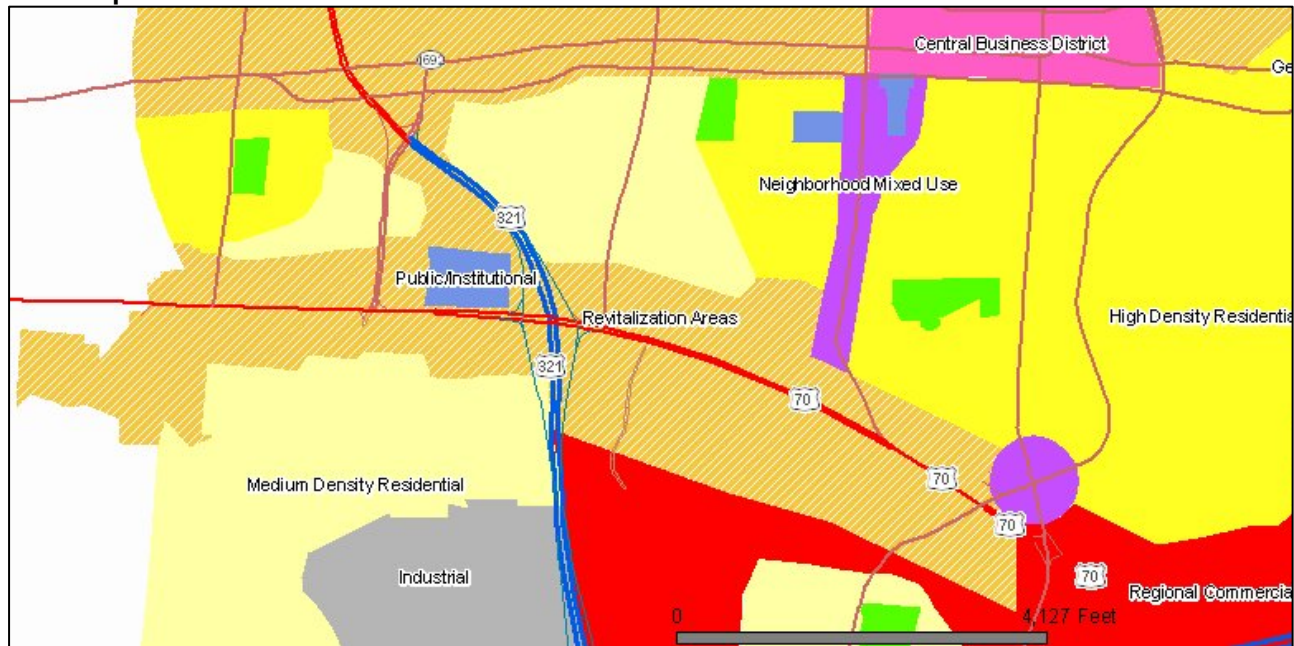
Based upon the narrative above, the reoccupation of the existing building, regardless of use, is consistent with the Hickory by Choice 2030 Comprehensive Plan.

Section 1.7 of the Hickory Land Development Code contains its Stated Purpose and Intent. This section contains five (5) specific items which the Land Development Code is intended to uphold. These are as follows:

- *Implement the Hickory by Choice 2030 Comprehensive Plan;*
- *Preserve and protect land, air, water and environmental resources and property values;*
- *Promote land use patterns that ensure efficiency in service provision as well as wise use of fiscal resource and governmental expenditures;*
- *Regulate the type and intensity of development; and*
- *Ensure protection from fire, flood and other dangers.*

The application addresses these items in that, the property currently supports a vacant commercial building, within an identified revitalization corridor, where adequate public services are available in sufficient quantities, the type and intensity of the development being regulated, and adequate precautions are being take to minimize the risk of fire, flood and other dangers.

Map 3. Future Land Use



2. The proposed use complies with all applicable provisions of the Land Development Code;

The intention of the petitioner is to occupy the existing vacant commercial structure. The petitioner will be required to submit plans with sufficient detail to determine compliance with applicable development standards, as well as building and fire codes.

3. The proposed use is compatible with adjacent uses in terms of scale, site design, operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts);

The proposed use is located on a major transportation corridor and is adjacent to a number of commercial uses. Its characteristics are viewed as being similar to those adjacent uses. The only noticeable difference will be in its hours of operation, as some of the adjacent land uses cease operations around 10:00 P.M., while the proposed drinking establishment is likely to operate until 2:00 A.M.

4. Any significant impacts on neighboring properties and/or the natural environment resulting from the use will be mitigated or offset;

The subject property is currently developed; any identified negative impacts will be mitigated to the extent required by all applicable laws and regulations. The property is currently developed and the applicant has not provided any indication of expanding the current development on the property.

5. The proposed use will not cause substantial diminution in value of other property in the neighborhood in which it is to be located;

The proposed use should not cause substantial diminution in value to other properties in the vicinity. The subject property was previously used for commercial purposes, and the proposed future use is commercial.

The current structure, for which the petition is being requested, was constructed in 1988. The adjacent buildings were all constructed in the late 1970's to mid 1980's.

Most, if not all, of the non-residential development in the immediate vicinity has been in place for a number of years. Several of the nearby buildings, including the building on the subject property, have been vacant and in disrepair for several years. Negative impacts on the adjacent commercial properties are negligible, if any.

6. Public safety, transportation, and utility facility services will be available to serve the subject property while maintaining sufficient levels of service for existing development;

Public water and sewer facilities are currently available to the site in sufficient quantities and are not expected to fall below acceptable levels. Fire and Police protection are available to the site and are not anticipated to fall below acceptable levels.

7. Adequate assurances of continuing maintenance have been provided;

The future operation of the proposed use must be maintained in conformance with all existing development standards, specifically Section 9.16, Property Maintenance, of the Hickory Land Development Code.

RECOMMENDED ACTION: Staff recommends approval of the Special Use Permit for the establishment of a "drinking establishment" contingent upon the following conditions:

1. All aspects of the project and its subsequent development shall comply with all applicable provisions of the City's Land Development Code, Building Code, and Fire Code.
2. The operation of this facility must comply with all state and local regulations.

3. All signs and modifications of the building must be reviewed and permitted. This approval shall not be construed to give approval of signs or building modifications.

CITIZEN INPUT: As of June 16, 2010, staff has one (1) inquiry regarding the petition. The citizen inquiry did not express opposition to the request.